

BRAUNHAGEY & BORDEN LLP

San Francisco & New York

J. Noah Hagey, Esq.
hagey@braunhagey.com

May 1, 2018

VIA ECF

Honorable Sallie Kim
United States District Court, Northern District of California
San Francisco Courthouse, Courtroom A—15th Floor
450 Golden Gate Ave., San Francisco, CA 94102

Re: Applicant's Supplemental Submission, *In re. Rainsy* / § 1782 Discovery of Facebook, Case No. 3:18-mc-80024-SK (N.D. Cal.)

Your Honor:

On behalf of Applicant Sam Rainsy, we write in response to the Court's request for information on two limited issues raised at yesterday's hearing.

First, appended hereto are English translations of the four separate foreign Cambodian proceedings cited in the Application: (1) March 2016 defamation claim re. Hun Sen's fake Facebook "likes" (**Exhibit 1**); (2) August 2016 defamation action re. Applicant's Facebook posting about Kem Ley assassination (**Exhibit 2**); (3) January 2017 defamation action regarding Hun Sen bribery of Facebook celebrity (**Exhibit 3**); and (4) December 2017 incitement action regarding Hun Sen Facebook postings (**Exhibit 4**). *See also* Applicant's Reply Declaration ¶¶ 20-24 (Dkt. 13) (describing usefulness of specific requests in each case).

Second, regarding citations to the Stored Communications Act ("SCA") permitting Applicant's requested disclosure, we respectfully refer the Court to 18 U.S.C. § 2511(g)(i) (exempting publicly-available content, *e.g.*, "likes") and § 2702(b)(5) (content disclosure incident to rendering Facebook's services or protecting its system, *e.g.*, actions to monitor and publicly address misuse or violation of terms of service). *See also* Hagey Reply Decl. Exhibit 10 (Dkt. 14-10) (comparison chart of Subpoena with SCA compliance).

We are available at the Court's convenience should Your Honor have any further questions.

Respectfully Submitted,


J. Noah Hagey

Encl.

San Francisco
220 Sansome Street, 2nd Floor
San Francisco, CA 94104
Tel. & Fax: (415) 599-0210

New York
7 Times Square, 27th Floor
New York, NY 10036-6524
Tel. & Fax: (646) 829-9403